



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: All Destinations

File: B-233505.3

Date: December 29, 1988

DIGEST

Prior dismissal of untimely protest is affirmed, notwithstanding protester's assertion that it was unaware of bid protest timeliness requirements and of text of Federal Acquisition Regulation (FAR), because the protester is charged with constructive notice of Bid Protest Regulations and the FAR through their publication in the Federal Register and the Code of Federal Regulations.

DECISION

All Destinations requests reconsideration of our dismissal of its protest concerning invitation for bids No. DAKF10-88-B-0041 issued by the Department of the Army for transportation services.

We dismissed All Destinations' protest in part because the protest was based on alleged improprieties in the solicitation but was not filed prior to bid opening, and because the protest had not been filed here within 10 working days after the protester knew of initial adverse agency action of its protest with the Army. 4 C.F.R. § 21.2(a)(1), (3) (1988).

All Destinations now states that our protest rules were not in the solicitation and that the Army did not advise the protester of its right to protest to this Office. All Destinations also states that its protest was further delayed by the Army's delay in sending it a copy of a Federal Acquisition Regulation (FAR) clause it requested.

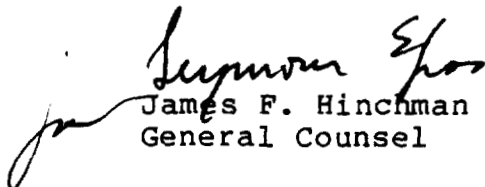
Although All Destinations may not have had actual knowledge of our timeliness rules, our regulations are published in the Federal Register and the Code of Federal Regulations (CFR) and, therefore, protesters are charged with constructive notice of their contents. A protester's professed lack of knowledge of these published regulations is not a basis

044274/137667

for waiving their requirements. The Master Collectors, Inc.--Reconsideration, B-228938.4, Jan. 19, 1988, 88-1 CPD ¶ 47. Bid protests are serious matters which require effective and equitable procedural standards, both so that parties have a fair opportunity to present their cases and so that protests can be resolved in a reasonably speedy manner. Sharon R. Riff-Cobb--Request for Reconsideration, B-223194.2 et al., June 26, 1986, 86-2 CPD ¶ 10.

Similarly, the protester could not reasonably delay its protest while waiting for the Army to send a copy of a section of FAR, because the FAR is also published in the Federal Register and the CFR, thus again putting the protester on constructive notice of its contents. Tri-State Laundry Services, Inc. d/b/a/ Holzberg's Launderers and Cleaners, B-218042, Feb. 1, 1985, 85-1 CPD ¶ 127.

We find no basis to disturb our original dismissal. Accordingly, the dismissal is affirmed.


James F. Hinchman
General Counsel